

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHENG-WEN CHENG, :
:
Plaintiff, :
: 23-CV-2150 (JMF)
-v- :
:
LUKAS CASH, :
:
Defendant. :
:
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JESSE M. FURMAN, United States District Judge:

Plaintiff brings this action *pro se*. By Order dated April 4, 2023, Chief Judge Laura Taylor Swain granted Plaintiff's request to proceed *in forma pauperis* ("IFP"). Because Plaintiff has been granted permission to proceed IFP, he is entitled to rely on the Court and the U.S. Marshals Service to effect service. *See* 28 U.S.C. § 1915(d) ("The officers of the court shall issue and serve all process . . . in [IFP] cases."). Plaintiff, however, did not provide Defendant's address in his submissions; he states only that Defendant resides in Boston, Massachusetts.

Moreover, Plaintiff alleges only Defendant's state of residence, not his state of citizenship. *See* ECF No. 9, ¶ 16. This is not enough. For the purpose of diversity jurisdiction, "a statement of the parties' residence is insufficient to establish their citizenship." *Leveraged Leasing Admin. Corp. v. PacifiCorp Capital, Inc.*, 87 F.3d 44, 47 (2d Cir. 1996); *see also, e.g., Linardos v. Fortuna*, 157 F.3d 945, 948 (2d Cir. 1998) ("For purposes of diversity jurisdiction, a party's citizenship depends on his domicile."); *Canedy v. Liberty Mut. Ins. Co.*, 126 F.3d 100, 103 (2d Cir. 1997) ("[A]llegations of residency alone cannot establish citizenship . . .").

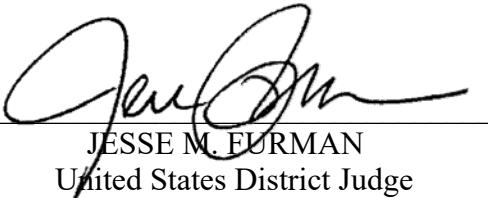
The Court therefore directs Plaintiff, within 30 days of the date of this Order, to amend his complaint to (1) allege Defendant's state of citizenship; and (2) provide an address where

Defendant may be served. If Plaintiff does not amend his complaint within 30 days, or request an extension of time to do so, the Court may dismiss the claims against Defendant under Rules 4 and 41 of the Federal Rules of Civil Procedure for failure to prosecute.

The Clerk of Court is directed to mail a copy of this Order to Plaintiff.

SO ORDERED.

Dated: August 1, 2023
New York, New York



JESSE M. FURMAN
United States District Judge